



City of Albuquerque

Legislative File Number R-06-94 (version 1)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Regarding The Albuquerque Ethics And Fair Election Initiative; Adopting Changes To The Charter Provisions On Ethics And Elections And To Provisions Of The Purchasing Ordinance; Adopting A Proposition To Be Submitted To The Voters At The October 2, 2007 Municipal Election To Approve Or Disapprove The Proposed Charter And Ordinance Amendments.

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

WHEREAS, a municipal election is desired to be held in the City of Albuquerque on Tuesday, October 2, 2007 at which the City's electors will choose whether to approve an amendment to the Charter and the Purchasing Ordinance concerning ethics and election code changes;

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. There shall be submitted to the City's qualified registered electors a Charter Amendment Proposition and a Procurement Code Amendment that shall be placed on the ballot for the October 2, 2007 regular municipal election and the qualified voters of the City Albuquerque shall be permitted to vote "for" or "against" the following proposition.

Section 2. The City Clerk shall cause the full text of the Proposition that follows to be published for four consecutive weeks in English and Spanish, the last publication to be not more than two weeks prior to the election at which time said Proposition shall be submitted to the electors of the City for their approval or rejection; and shall further

provide notice of the content and purpose of the Proposition in both English and Spanish to inform electors about the amendments in the time and manner provided by law. This resolution for special election shall be published once a week for four consecutive weeks with the first publication between fifty and sixty days before the election. The publication of this special election resolution shall contain the summary of the proposition set forth herein but shall not contain the full text of the proposition. The City Clerk is directed to publish the language of the summary of the proposition set forth herein on the ballot and provide for a vote for or against the proposition. The full text of the Proposed Ordinance that follows shall not appear on the ballot.

PROPOSITION

PROPOSING TO AMEND ARTICLE XII OF THE CITY CHARTER, THE CODE OF ETHICS, ARTICLE XIII OF THE CITY CHARTER, THE ELECTION CODE AND SECTIONS 5-5-10 and 5-5-22 ROA 1994, THE PUBLIC PURCHASES ORDINANCE; PROVIDING FOR NEW DEFINITIONS IN THE ETHICS CODE; PROVIDING INTERVIEW AND TRAINING REQUIREMENTS FOR NOMINEES AND MEMBERS OF THE BOARD OF ETHICS AND CAMPAIGN PRACTICES; PROVIDING FOR THE BOARD TO USE ADMINISTRATIVE SUBPOENAS AND ADVISORY OPINIONS; DEFINING DUTIES OF BOARD OF ETHICS MEMBERS; SETTING LIMITATIONS CONCERNING CONFLICTS OF INTEREST BY BOARD OF ETHICS MEMBERS; SETTING STANDARDS DISQUALIFICATION OF OFFICIALS; REQUIRING ANNUAL FINANCIAL DISCLOSURE STATEMENTS BY ELECTED OFFICIALS; LIMITING GIFTS THAT MAY BE ACCEPTED BY OFFICIALS; LIMITING THE USE OF CITY PROPERTY AND CITY ADVERTISING FOR CAMPAIGN PURPOSES; LIMITING THE SOLICITATION OF CITY EMPLOYEES FOR CAMPAIGN PURPOSES AND PROHIBITING RETALIATION AGAINST EMPLOYEES; EXPANDING RESOURCES AVAILABLE TO THE BOARD CONCERNING INVESTIGATIONS; AMENDMENT OF ELECTION CODE DEFINITIONS; AMENDMENT OF CAMPAIGN REPORTING REQUIREMENTS; AMENDMENT OF AUTOMATIC FINE PROVISION; DISCLOSURE OF CONTRIBUTORS WHO HAVE BUSINESS DEALINGS WITH THE CITY; PUBLIC LISTING OF TRAVEL BY OFFICIALS; AND REQUIREMENTS LIMITING THE AWARD OF CITY CONTRACTS TO CAMPAIGN CONTRIBUTORS.

“ORDINANCE (full text)

Section 1. City Charter Article XII, Section 2 is amended to read:

Section 2. DEFINITION.

[(a) “Board” means the Board of Ethics and Campaign Practices established pursuant to Article XII of this Charter.]

[(b) “Business Dealings” or “Business Dealings With The Governmental Body” includes circumstances where a person is (1) presently a party to a contract with the city, (2) presently a subcontractor under a subcontract with a party under contract with the city, (3) bidding, proposing, or applying for contracts with the city, (4) a party in litigation with the city, (5) a party before a quasi-judicial administrative proceeding conducted by a city board, commission, committee or hearing officer or (6) a party to an appeal of a decision of a city department, quasi-judicial administrative board, commission, committee or hearing officer.]

[(c) “Candidate” means any individual who has (1) obtained a nominating petition from the City Clerk pursuant to Section 4 (c) 1. D. of the Election Code for the office of Mayor or Councillor, (2) filed an affidavit on a form approved by the City Clerk, stating that he or she is a candidate for either the office of Mayor or City Councillor or (3) filed as a candidate for elected office as required by law, whichever first occurs.]

[(d) “Consideration” means something of value or a written promise to pay or otherwise provide something of value which is enforceable through the courts.]

[(e) “Contract with the City” means a written contract to (1) purchase real property from the city, (2) sell real property to the city, (3) rent real or personal property to or from the city, or (4) provide services and/or goods to the city. A contract with the city shall also include all subdivision improvement agreements for the private development of public infrastructure and associated easements and revocable permits. Contracts excluded from this definition are those for services provided by the city such as water, wastewater or solid waste collection; intergovernmental agreements such as a joint powers agreement or a memorandum of understanding. Permits and licenses issued by the city shall not be deemed contracts with the city for purposes of the Ethics Code.]

[(f) “Direct Interest”, “Private Interest” or “Private Financial Interest” means an interest concerning; (1) a partnership, limited liability partnership, or limited liability company in

which an Official has invested capital or otherwise owns an interest; (2) a corporation in which an Official owns (i) ten percent (10%) or more of the outstanding capital stock or (ii) capital stock with a cumulative value of \$25,000 or more; or (3) a corporation, partnership, limited liability partnership, or limited liability company in which the Official is an officer, director, or agent. Direct Interest, Private Interest or Private Financial Interest does not mean an interest in stock owned indirectly through a mutual fund, retirement plan, or other similar commingled investment vehicle the individual investments of which the Official does not control or manage.

(g) "Gift" or "Valuable Gift" means that which is accepted by an Official or by another on the Official's behalf, or that which is paid or given to another for or on behalf of an Official, directly, indirectly, or in trust for the Official's benefit or by any other means, for which consideration equal or greater than fair market value is not given by the Official within 90 days of the Official's receipt of such gift, including, but not limited to (1) real property, (2) the use of real property, (3) tangible or intangible personal property, (4) the use of tangible personal property, (5) a preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is neither a government rate nor a rate available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin, (6) forgiveness of an indebtedness, (7) transportation, other than that provided to an Official by a governmental agency in relation to approved government business, lodging or parking, (8) food or beverage, (9) membership dues, other than dues paid by a city agency, (10) entrance fees, admission fees, or tickets to events, performances, or facilities, (11) plants, flowers, or floral arrangements, (12) services provided by persons pursuant to a professional license or certificate, (13) other personal services for which a fee is normally charged by the person providing the services and (14) any other similar service or thing having an attributable value not already provided for in this section.

Gift does not include (1) salary, benefits, services, fees, commissions, returns on an investment, a loan, interest incurred on a bond, or expenses associated primarily with the Official's employment, business or service as an officer or director of a private corporation or organization, (2) contributions reported as campaign contributions pursuant to the Election Code and the Code of Ethics, (3) an honorarium or an expense

related to an honorarium event paid to an Official or the Official's spouse, (4) an award, plaque, certificate, or similar personalized item given in recognition of the Official's public, civic, charitable, or professional service, (5) an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization, (6) the use of a public facility or public property made available by a governmental agency for a public purpose, (7) transportation provided to an Official by a governmental agency in relation to Official approved governmental business, (8) gifts provided directly or indirectly by a state, regional or national organization whose primary purpose is the promotion of the exchange of ideas between governmental Officials or employees or to provide for the professional development or training of such governmental officials or employees, provided that such organization has a membership that is primarily composed of elected or appointed public officials or employees, and (9) all non-pecuniary things or services donated in any twelve (12) month period from a single donor that have a cumulative fair market value of one hundred (\$100.00) or less, (10) The use by officials of city facilities+]

[-(b)-] [+ (h)+] [-The term-] "Governmental Body" means the city of Albuquerque and any of its boards, commissions and committees.

[(+i) "Immediate Family" or "Immediate Family Member" means spouse, children, step-children, parents, grandparents, grandchildren, siblings, first cousins, nieces, nephews, uncles and aunts.

(j) "Indirect interest" or "indirect private financial interest" means any interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the Official or the Official's immediate family. Indirect interest shall include a pecuniary or competitive advantage that exists or could foreseeably accrue as a result of the act or inaction of the Official.+]

[-(a)-] [+ (k)+] [-The term-] "Official" means the Mayor, all members of the Council, all members of boards, commissions and committees [-and-] [+;+] all [-heads of departments, divisions and sections-] [+directors and the equivalent thereof for each department, division or section; assistant, associate or deputy department, division or section directors and the equivalent thereof; the Director of Council Services; the Chief Administrative Officer; Deputy or Assistant Chief Administrative Officers and the

equivalent thereof and all other city employees appointed directly by the Council, the Mayor or Chief Administrative Officer+].

[(l) "Person" means any individual, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, profit or nonprofit organization, or other entity.+]

Section 2. Section 3 of Article XII of the City Charter is amended to read:

“Section 3. BOARD OF ETHICS AND CAMPAIGN PRACTICES.

[(a)+] The Board [-of Ethics and Campaign Practices-] shall be made up of seven members, who shall be chosen as follows: The Council shall appoint three members and the Mayor shall appoint three members. The six members so appointed shall select a seventh person to serve as Chairperson of the Board. [+The appointment of a Board member by one appointing authority shall not be approved or disapproved by the other two appointing authorities.+] Each member shall be a qualified elector of the city, and no member shall be an Official or employee of the city [+or the spouse, parent or child of an Official or city employee. There shall be a public comment period for any individual proposed for membership on the Board of Ethics and Campaign Practices by the Mayor, the Council and for the seventh member selected by the Board. The name and resume of any individual proposed for membership shall be posted on the City's website at least two weeks prior to the date when final action is taken to appoint that individual. Any person shall be allowed to submit comments about the proposed member by written submission, electronically or otherwise, to the City Clerk. Comments shall be posted on the City's website. The members of the Board of Ethics and Campaign Practices shall receive at least six hours of training prior to acting in the capacity of a Board member. The training shall be provided by the City Attorney and shall cover the ethical responsibility of Board members and the content of the Code of Ethics and the Election Code as those codes relate to the duties of the Board. The training requirement shall not apply to any current Board member, who shall continue to serve their unexpired term, or to any Board member reappointed at the end of a term. (b)+] All members shall serve terms of four years, and be eligible for reappointment for additional terms [-except that the initial Board shall have two members with terms of two years, two members with terms of three years, and two members plus the Chairperson

~~with terms of four years-]. [-Thereafter, any vacancy for an expired term shall be filled by the authority who made the appointment of the member whose term has expired-].~~

[+Terms are staggered and shall continue with the same term cycle as currently exists.+]

Any vacancy shall be filled for an unexpired term by the same authority who made the original selection and appointment of the member vacating his or her position. [-

~~Provided, however, that of the two positions, which were filled by appointment by the municipal judiciary, the position for which the term expired on July 31, 1980, shall be filled by appointment by the Council for a term expiring July 31, 1984, and upon expiration of that term, the Council shall appoint a member to serve a regular four-year term. The position for which the term expires on July 31, 1981, shall be filled by appointment by the Mayor upon the expiration of the term or the occurrence of a vacancy.-]~~

[+(c)+] No violation of the Code of Ethics shall be found by the Board of Ethics and Campaign Practices except upon the concurrence of a majority of the Board.

[+(d) The Board shall have the authority to issue administrative subpoenas to compel witnesses to testify and produce documentation before the Board. The Board may promulgate rules and regulations establishing procedures for issuance of subpoenas. The Board may request the City Attorney to enforce such subpoenas in a court of proper jurisdiction.

(e) The Board may issue to Candidates and Officials advisory opinions concerning the Code of Ethics and the Election Code. A request for an advisory opinion and the opinion approved by the Board shall become public records at the time the Board votes on such opinion. Advisory opinions shall only concern prospective matters. Specifically, no advisory opinion shall be issued with respect to an event that has already occurred. Advisory opinions shall only be issued with respect to conduct in which the requestor of the opinion intends to engage. No advisory opinion shall be given unless approved by four members of the Board. Approved opinions shall be kept as permanent records by the City Clerk. The Board may promulgate rules and regulations establishing procedures for issuing advisory opinions and limitations on the use of advisory opinions as a defense to violations of the Code of Ethics or the Election Code. The Board may issue consent orders and may promulgate rules and regulations establishing

procedures of issuance of consent orders.

(f) A Board member who has participated in any hearing on a case concerning a complaint alleging a violation of the Code of Ethics or the Election Code shall continue to serve as a Board member on such case until the completion of the case, regardless of the expiration of that Board member's term, but only when the Board has voted on a matter concerning the case or accepted evidence in the case prior to the expiration of the term of such board member. A replacement Board member shall not serve on such cases.

(g) Board members shall not hear complaints involving Candidates or Measure Finance Committees to which they have contributed or have participated in their campaign activities nor shall they hear cases involving complaints concerning Candidates and Measure Finance Committees who are in opposition to the Candidates or Measure Finance Committees to which the Board Member contributed or participated in their campaign activities.+]

Section 3. City Charter Article XII, Section 4 (a) is amended to read:

Section 4. CONFLICT OF INTEREST.

(a) No Official of the city shall knowingly:

1. Disclose or use confidential information concerning the property, government or affairs of the governmental body by which that Official is employed or of which the Official is a member without proper authorization in order to advance the [+direct or indirect+] private financial or other private interests of said Official or others;

2. Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which the Official has a [+direct or indirect+] private financial interest;

3. Represent private interests in any action or proceeding before the Governmental Body by which the Official is employed or of which the Official is a member or any appeal of a decision of such body;

4. Accept any valuable gift, whether in the form of service, loan, thing or promise, from [+any employee of or applicant for employment with the City of Albuquerque or from+] any person, firm or corporation which to the Official's knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with

the Governmental Body by which the Official is employed or of which the Official is a member, including donors who are unidentified; provided, however, that this Subsection shall not be read as prohibiting an incumbent ~~[-candidate-]~~ [+Candidate+] for [+any+] elective office from receiving duly disclosed campaign contributions in accordance with the provisions of Article XIII of this Charter [+or an Official who is a candidate for a non-city office from receiving campaign contributions for that non-city office.+]

Section 4. City Charter Article XII, Section 4 is amended to add a new subsection (c), which shall read:

“(c) Disqualification. An Official is disqualified from participating in a matter when: (1) the Official has or is in the process of acquiring a direct interest in an enterprise which would be affected by the Official's vote on proposed legislation, unless the interest is common to all members of a profession or occupation of which the Official is a member or the general public or a large class of the general public, (2) the Official benefits financially from a direct or indirect interest with a person whom the Official knows has an interest in an enterprise or interest that would be affected by the Official taking any action, (3) the Official benefits financially from a direct interest with a person who is lobbying for the purpose of influencing any action, or (4) the Official solicits, accepts, or agrees to accept a loan, other than a loan from a commercial lender in the normal course of business, from a person who would be affected by or has an interest in an enterprise which would be affected by the Official's participation in any action.”

Section 5. City Charter Article XII, Section 5 is amended to read:

Section 5. DISCLOSURE.

(a) An Official of the city who shall have any private financial interest in any contract or other matter pending before or within the Governmental Body of which the Official is employed or of which the Official is a member, shall disclose such private [+financial+] interest to the Governmental Body.

(b) Any Councillor who has a ~~[-private financial-]~~ [+direct or indirect+] interest in any matter pending before the Council shall disclose such ~~[-private financial-]~~ interest on the records of the Council ~~[-and if such interest is direct shall be disqualified from participating in any debate, decision or vote relating thereto-]~~. ~~[-Disclosure-]~~ [+The

existence+] of ~~[-an-]~~ [+a direct or+] indirect private financial interest on any matter coming before the Council, including approval of a contract, shall ~~[-not-]~~ disqualify a Councillor from debating and voting on the matter ~~[-unless-(1)-a-]~~ [+ . A+] majority of the remaining members of the Council [+shall+] determine ~~[-that the-]~~ [+whether a+] Councillor ~~[-who discloses his private financial-]~~ [+has a direct or indirect+] interest [+and whether the Councillor+] ~~[-should not in propriety-]~~ [+shall be allowed to participate in the decision making process related to the matter and+] vote on the ~~[-issue-; or (2) the-]~~ [+matter. A+] Councillor ~~[-having a private financial interest-]~~ [+who has a conflict of interest may+] voluntarily ~~[-disqualified himself-]~~ [+decline to participate in the decision making process related to the matter and vote on such matter+].

(c) The Mayor and each City Councillor, during their term of office, shall file disclosure statements on January 15, April 15, July 15, and October 15 of each year setting out all contributions and expenditures, as defined in the City Election Code, during the previous quarter, raised or spent in connection with any campaign or pre-campaign activity for any elected office. Expenditures of public funds in the regular course of the Mayor or Councillor's official duties are not contributions and expenditures subject to such disclosure under this Section. The Mayor and Councillors are not required to file a quarterly statement if there have been no campaign or pre-campaign contributions or expenditures during the previous quarter by or for the particular Mayor or Councillor. These reporting requirements shall be in addition to the reporting requirements of the Election Code, provided that any information filed with the ~~[-city clerk-]~~ [+City Clerk+] pursuant to City Charter Article XIII, Section 4 (c) need not be included in the subsequent quarterly reports required in this ~~[-section-]~~ [+Section. The contributions and expenditures identified in quarterly statements that are to be applied to a campaign for election to a city office shall be included in the first campaign disclosure report that the Candidate files pursuant to the Election Code.

(d) All elected Officials shall file with the City Clerk an annual statement listing all of the changes or additions to the disclosure information provided by the elected Official at the time of filing his or her Declaration of Candidacy, pursuant to Section 3 of the Election Code. If no changes have occurred, the elected Official shall so state in the annual statement. The annual statement shall be due on the first city work day of July and shall

be submitted on a form approved by the City Clerk. The annual statement shall be a public record.

Section 6. Section 6 of Article XII of the City Charter is amended to read:

Section 6. USE OF PUBLIC PROPERTY.

No Official of the city shall use property, owned by any governmental body [+or funds of any governmental body+], for personal benefit, convenience or profit, except in accordance with policies promulgated by the Council. [+This prohibition includes the use of city property or funds to advertise or promote the campaign of any Official for any public office, except as provided in this Section. Use of city property to promote a campaign is limited to areas made available to all Candidates for office, including public areas, areas used for public meetings and such city facilities that are designated as meeting space that is available to all Candidates for city office. No campaign activities shall be conducted in those portions of city facilities that are dedicated as work areas for city employees. Officials are prohibited from using any method of communication paid for with city resources, including but not limited to Public Service Announcements, signage, official websites or mail during the three months prior to any election date, if such advertising states or implies personal responsibility of the Official for any city accomplishment. Officials are prohibited from using any method of communication paid for with city resources, including but not limited to Public Service Announcements, signage, official websites or mail if such communication is in a form that would be reasonably mistaken for the campaign materials of the Official because of the similarity of design, content or graphics being used in the campaign.+]

Section 7. The following new section should be inserted as Section 7 of Article XII of the City Charter and the subsequent sections should be renumbered accordingly:

+“Section 7. MISUSE OF CITY EMPLOYEES IN CAMPAIGNS.__

No Official shall participate in the following types of political activity:

(A) Using his or her position or employment with the city to influence support of employees of the city for or against any Candidate, issue or Measure Finance Committee or other similar organization in any election or pre-election activity; provided, however, that nothing herein shall deny the right of an Official of the city to express his or her views on any issue.

(B) Accepting and/or soliciting campaign contributions for any Candidate or Measure Finance Committee or other similar organization in any election or pre-election activity, during working hours, at a city workplace or in the scope of their city employment.

(C) Accepting and/or soliciting contributions for the benefit of a city employee or Official for political purposes during working hours, at a city workplace or in the scope of his or her city employment.

(D) This section shall not apply to electioneering communications, provided that no electioneering communications may be sent to a city employee at his or her place of work by leafleting, mail, phone, e-mail or by other electronic communication.

(E) No adverse employment action shall be taken against any employee for reporting to the Board of Ethics and Campaign Practices any violation of this section, including but not limited to direct solicitation.”+

Section 8. City Charter Article XII, Section 7 (c) is amended to read:

(c) In addition to imposing such sanctions, or as an alternative thereto, the Board ~~[-of Ethics and Campaign Practices-]~~ may recommend to the Council that ~~[-the violator-]~~ [+an appointed or employed Official be suspended or removed from office or that an elected Official+] be removed from office.

Section 9. City Charter Article XII, Section 8 (a) is amended to read:

(a) The Board ~~[-of Ethics and Campaign Practices-]~~ may choose to ask for an investigation of allegations brought before it rather than simply hearing charges; to do this, it may temporarily employ or contract with investigators [+and require investigation by city staff assigned to the Board or by the Office of Internal Audit and Investigations upon acceptance of the complaint after holding a preliminary hearing. The Board shall direct and limit the scope and nature of all such investigations+]. No such investigation shall be undertaken unless it is specifically authorized and defined by the Board. For the purposes of this section, the term "allegations" means both any formal charges filed with the Board [+or initiated by the Board+] and other information raising a substantial question related to compliance with the Code of Ethics or the Election Code, which information at least ~~[-six-]~~ [+four+] members of the Board vote to investigate. Such investigation may relate to violation of the Code of Ethics or the Election Code.

Section 10. City Charter Article XIII, Sections 2 (a) and 2 (c) are amended to read:

(a) "Anonymous Contribution" means a contribution received by a ~~[-candidate for office -]~~ [+Candidate+] or a Measure Finance Committee for which the contributor cannot be identified ~~[-when the amount of the contribution equals or exceeds \$25 for a campaign for the office of Councillor or \$100 for a campaign for the office of Mayor or to a Measure Finance Committee or measure campaign-]~~. [+Contributions received by a host pursuant to Section 4 (j) of this Election Code shall not be considered anonymous contributions+].

(c) "Campaign Materials" means any published, printed or broadly distributed campaign advertising or communications such as newspaper advertisements, handbills, petitions, circulars, letters, radio or TV broadcasts, cable distributions [+electronic or telephonic transmissions+] or similar written material used in a campaign by a candidate or a Measure Finance Committee

Section 11. City Charter Article XIII, Section 2 (d) is amended to read:

(d) "Candidate means any individual who has ~~[-filed a Declaration of Candidacy with-]~~ [+(1) obtained a nominating petition from+] the City Clerk [+pursuant to Section 4 (c) 1. D. of this Election Code+] for the office of Mayor or Councillor, (2) filed an affidavit on a form approved by the City Clerk, stating that he or she is a candidate for either the office of Mayor or City Councillor or (3) filed as a candidate for elected office as required by law, whichever first occurs.+].

Section 12. City Charter Article XIII, Section 2 (j) is amended to read:

(j) "Measure Finance Committee" means a political committee or any person or combination of two or more persons acting jointly in aid of or in opposition to ~~[-the qualification for the ballot or -]~~ [+the effort of anyone seeking to have their name placed on the ballot for city office, a petition to place a measure on the ballot pursuant to Article III of this Charter, +] voter approval or disapproval of one or more measures [+on the ballot+] and/or the election to, or recall from, office of one or more ~~[-candidates-]~~ [+Candidates+] for office [+when such person or people have accepted contributions in excess of \$250.00 or make expenditures in excess of \$250.00 for any of the purposes listed heretofore.+]

Section 13. City Charter Article XIII, Section 4 (c) 1. is amended to read:

(c) Disclosure of Campaign Financing.

1. Each ~~candidate, person seeking to qualify to be on the ballot~~ [+Candidate+] for the office of Mayor or Councillor and each Measure Finance Committee, ~~[-which either receives contributions or expends funds in an amount that equals or exceeds \$100 in aid of or in opposition to the qualification for the ballot or for voter approval or disapproval of one or more measures,-]~~ shall file with the Board ~~[-six-]~~ [+the+] statements [+required in Section 4 (C) 2. of this Election Code+], each of which shall be cumulative, signed under oath by the ~~[-candidate-]~~ [+Candidate+] or the ~~[-candidate's-]~~ [+Candidate's+] treasurer or by the chairperson or treasurer of the Measure Finance Committee, setting forth to 5:00 p.m. of the day preceding the filing of each statement:

A. The total of all contributions, which shall include all contributions received, regardless of whether the contribution has been deposited in the Candidate's or Measure Finance Committee's campaign bank checking account. [+A contribution is deemed received when a+] ~~[-candidate-]~~ [+Candidate+] or a Measure Finance Committee or any agent of a Candidate or a Measure Finance Committee receives a contribution or the benefit of the services donated.+]

B. ~~[-The-]~~ [+When the contributor is an individual, the+] name ~~[-and residential street address-]~~ of ~~[-each-]~~ [+the+] contributor, the contributor's principal business or occupation, the name and address of the contributor's employer [+. If self employed, the address of the contributor's business. If the contributor is retired or not employed the residential address of the contributor shall be disclosed.+], and the nature of the contributor's or the contributor's employer's business [+. When the contributor is an entity other than an individual, the name and address of the contributor, the business or activities conducted by the contributor and the owners and managers of the contributor.] ~~[-, together with the total-]~~ [+The amount of each contribution and the+] cumulative ~~[-cash-]~~ value [+ of all contributions+] contributed by the contributor ~~[-, when that amount equals or exceeds \$25 for the office of Councillor or to a Measure Finance Committee, and \$100 for the office of Mayor-]~~. [+ Measure Finance Committees that support or oppose more than one Candidate or measure shall specify in separate sections in each disclosure statement the Candidate or measure to which each contribution and expenditure applies. In the event a contribution or expenditure applies

to more than one Candidate or measure, the pro rata share of such contribution or expenditure shall be clearly identified for each Candidate or measure.+]]

C. All expenditures made on behalf of the campaign, including any reimbursements and the nature thereof, and the name and address of the person or business to which payment was made.

D. A person seeking to qualify to be on the ballot for the office of Mayor or Councillor shall include any person who has obtained a [+nominating+] petition form approved by the [~~city clerk~~] [+City Clerk+]. The [~~city clerk~~] [+City Clerk+] shall issue an approved [+nominating+] petition only to the person seeking to be on the ballot. Such approved [+nominating+] petition forms shall state the name of the person and the city office for which such person is petitioning to qualify to be on the ballot. People who have sought to be on the ballot as described above, but who do not qualify for the ballot or do not file a declaration of candidacy are required to file as provided in this section on the Friday of the twelfth week preceding the election and to file a final report on or before the Friday of the fourth week preceding the election. [~~One or more people who accept contributions or make expenditures for the purpose of opposing the effort of anyone seeking to have their name placed on the ballot for city office shall be a Measure Finance Committee under this Election Code.~~]

E. Within 48 hours of the receipt of a statement listing campaign contributors, or as soon thereafter as reasonably possible, the Purchasing Office shall determine if any contributor has business dealings with the city. For the purposes of this section, a person is deemed to have Business Dealings if the person or in the case of an individual, the contributor's principal business or the contributor's employer has received \$20,000 or more pursuant to a contract with the city in the 24 months prior to the date of contribution. The Purchasing Office shall immediately notify the City Clerk of any campaign contributors who have Business Dealings with the city and the City Clerk shall post that information (including: contribution amount, recipient and business relationship) on the city's website.

F. The Purchasing Office shall maintain a list of all contributors to the campaign of any elected Mayor or Councillor and, for a period of one and one-half years following the election of that Official, shall notify the City Clerk of any campaign

contributors who form Business Dealings with the city, as defined in the preceding paragraph, and the City Clerk shall post that information (including: contribution amount, recipient and business relationship) on the city's website.

Section 14. City Charter Article XIII, Section 10 (f) is amended to read:

(f) Automatic Fines. Notwithstanding subsection (e) of this section, a failure to file[-,-] [+or+]late filing [-, or incomplete filing-] shall subject the candidate or the chairperson of the Measure Finance Committee or any other obligated person, whichever may be the case, to an automatic fine and public reprimand according to the schedules established in the Rules and Regulations of the Board. [+In situations where there is an incomplete filing the candidate or the chairperson of the Measure Finance Committee shall be notified of the failure and shall have ten days from the date of notice to correct the failure. If the incomplete filing is not corrected within ten days there shall be an automatic fine and public reprimand. If the failure is corrected within ten days and the Board determines from the face of the filings that any failure appears to have been inadvertent and made in good faith, the Board shall find that there has been no violation. +]

Section 15. Section 5-5-10(E) (2) (e), (f) and (g) ROA 1994 is amended to read:

(e) On the basis of the weighted evaluation of the proposals offered, the committee shall submit to the Mayor a list of the top three or more proposals in the order in which they are recommended. A written explanation of the reasons for selection shall be prepared and kept as a public record. [+The written explanation shall be accompanied by a report prepared by the Purchasing Division designating those offerors whose proposals have been recommended to the Mayor who contributed to the campaign of an elected city Official within one year of the date the recommendation is approved by the ad hoc advisory committee. The City Clerk and the Information Systems Division shall provide the contribution lists to the Purchasing Division.+]

(f) If any contract to be awarded is for professional/technical services in excess of \$55,000, the Mayor shall submit the committee's list to the City Council, indicating the order in which the proposals are recommended by the Mayor, if different from the committee's recommendations, and the reasons therefore [+ provided that if the highest ranked proposal is not recommended by the Mayor, the

Mayor shall not recommend a lower ranked proposal made by an offeror who contributed to the campaign of the Mayor within one year of the date of the Purchasing Division report required in this section that discloses political contributions of offerors+].

Any legal contract which may eventually be compensated in excess of \$55,000 shall be submitted for Council for approval. The Council discourages the practice of executing an initial legal contract for an amount under \$55,000 without Council approval, then increasing the contract amount through supplements, even if those supplements require Council approval. Pursuant to this policy, the Legal Department shall provide a written estimate to the Purchasing Officer of the total cost of the legal services for the case or cases covered in each contract which shall become part of the contract documentation. The City Council shall approve or disapprove the list of recommended proposals submitted by the Mayor and, in the event of disapproval, give reasons therefore. If appropriate, considering the City Council's reasons for rejection, the Mayor may submit a revised list of recommended proposals to the City Council. If the award of a request for proposals has been approved by the City Council, the negotiated contract resulting from that RFP and any supplements authorized by the RFP do not require an additional approval by the Council, pursuant to § 5-5-19(A), approval of purchases on the condition that the dollar amounts of base contract and the supplements have been identified in the formal materials presented to Council for approval, or within 10% of the base amount.

g) In the case of all other contracts to be awarded pursuant to a request for proposals, the committee's list of recommended proposals shall be approved or disapproved by the Mayor [+ provided that if the highest ranked proposal is not selected, the Mayor shall not select a lower ranked proposal made by an offeror who contributed to the campaign of the Mayor within one year of the date of the Purchasing Division report required in this section that discloses political contributions of offerors+]. If the list is disapproved by the Mayor, he may revise the list or return the list to the committee for additional review. In either case, the Mayor shall provide the committee with his reasons in writing for revision or disapproval of the list.

[+A City Councilor shall not be allowed to vote against the Mayor's selection if the Councilor knows that an offeror ranked by the committee other than the one recommended by the Mayor has contributed to the campaign account of that City

Councilor within one year of the Purchasing Division report required in this section.+]

Section 16. The following new subsection shall be inserted as Section 5-5-22 (J) ROA 1994 and the subsequent subsection should be renumbered accordingly:

“(J) DISCLOSURE OF TRAVEL EXPENSES

Officials using taxpayer funded travel in excess of \$1,000 for any trip shall disclose that trip to the City Clerk as soon as travel plans are made. In cases of unanticipated travel, the disclosure shall be made within one week after the completion of the trip. All such travel expenses shall be immediately posted on the city's website and shall itemize all expected expense as well as the purpose of the trip.”

Section 17. SEVERABILITY CLAUSE. If any section, paragraph, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 18. COMPILATION. Sections 1 through 13 of this ordinance shall be incorporated in and made part of the City Charter and Sections 14 through 16 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 19. EFFECTIVE DATE. This ordinance shall take effect immediately following the certification of the election if approved by the voters.

